



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,385	08/14/2000	Jonathan P. Krueger	5437-01SCIP	9772

25920 7590 11/29/2005

MARTINE PENILLA & GENCARELLA, LLP  
710 LAKEWAY DRIVE  
SUITE 200  
SUNNYVALE, CA 94085

EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

122



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,385	08/14/2000	Jonathan P. Krueger	5437-015CIP	9772

7590 11/19/2003

Law Office of John Schipper  
111 N Market St  
Suite 808  
San Jose, CA 95113

EXAMINER
----------

SONG, HOSUK

ART UNIT	PAPER NUMBER
----------	--------------

2131

2

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRE

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/639,385	KRUEGER, JONATHAN P.	
	Examiner	Art Unit	
	Hosuk Song	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2000.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's correspondence dated 8/14/00.
2. Claims 1-18 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al(US 5,926,624) in view of Ji et al(US 5,889,943).

Claim 1: Katz patent disclose receiving selected information including an asserted source of the information in (col.14,lines 30- 37) and an encryption-created authentication signature of the asserted source in (col.8,lines 32-40). Katz discloses determining whether the signature is authentic in (col.14,lines 43-44 and col.15,lines 20-24). Katz does not specifically disclose applying the selected information to a preferred information buffer when signature is determined to be authentic. Ji's patent discloses signature checking scheme where if signature is authentic, applying the selected information to a preferred information buffer in (fig.6C #648 and col.9,lines 18-29). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ a preferred information buffer taught in Ji with authentication system taught in Katz in order to segregate authentic data from non authentic data. Since buffer is segregated, it ensures that potentially infected data such as viruses will not be copied to other storage area. Further, segregation allows user to clearly identify types of data such as authentic

and non-authentic data, which prevents user from opening an infected file, which can corrupt entire system.

Claim 2: Katz does not specifically disclose when signature is determined to be not authentic, applying selected information to a non-preferred information buffer. Ji's patent discloses this limitation in (fig.6C#656,662). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ a non- preferred information buffer taught in Ji with authentication system taught in Katz in order to segregate authentic data from non authentic data. Since buffer is segregated, it ensures that potentially infected data such as viruses will not be copied to other storage area. Further, segregation allows user to clearly identify types of data such as authentic and non-authentic data, which prevents user from opening an infected file, which can corrupt entire system.

Claim 3: Katz does not specifically declining to process selected information further when signature is determined to be not authentic. Ji's patent discloses this limitation in (fig.6C #662). It would have been obvious to person of ordinary skill in the art at the time invention was made to halt the process of data which signature determined to be not authentic in order to prevent corrupted data from infecting/spreading the whole system. Further, it ensures that potentially infected data such as viruses will not be copied to other storage area.

Claim 4: Katz discloses providing an authentication signature for content to selected information in (col.13,lines 41-55).

Claim 5: Katz patent disclose receiving selected information including an asserted source of the information in (col.14,lines 30- 37) and an encryption-created authentication signature of the asserted source in (col.8,lines 32-40). Katz discloses determining whether the signature is authentic in (col.14,lines 43-44 and col.15,lines 20-24). Katz does not specifically disclose applying the selected information to a preferred information buffer when signature is

determined to be authentic. Ji's patent discloses signature checking scheme where if signature is authentic, applying the selected information to a preferred information buffer in (fig.6C #648 and col.9, lines 18-29). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ a preferred information buffer taught in Ji with authentication system taught in Katz in order to segregate authentic data from non authentic data. Since buffer is segregated, it ensures that potentially infected data such as viruses will not be copied to other storage area. Further, segregation allows user to clearly identify types of data such as authentic and non-authentic data, which prevents user from opening an infected file, which can be detrimental to the system.

Claim 6: Katz does not specifically disclose when signature is determined to be not authentic, applying selected information to a non-preferred information buffer. Ji's patent discloses this limitation in (fig.6C#656,662). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ a non- preferred information buffer taught in Ji with authentication system taught in Katz in order to segregate authentic data from non authentic data. Since buffer is segregated, it ensures that potentially infected data such as viruses will not be copied to other storage area. Further, segregation allows user to clearly identify types of data such as authentic and non-authentic data, which prevents user from opening an infected file, which can be detrimental to the system.

Claim 7: Katz does not specifically declining to process selected information further when signature is determined to be not authentic. Ji's patent discloses this limitation in (fig.6C #662). It would have been obvious to person of ordinary skill in the art at the time invention was made to halt the process of data which signature determined to be not authentic in order to prevent corrupted data from infecting/spreading the whole system. Further, it ensures that potentially infected data such as viruses will not be copied to other storage area.

Claim 8: Katz discloses selected information includes an authentication signature for content of selected information in (col.13,lines 41-55). Katz discloses determining whether the signature for the information content is authentic in (col.15,lines 20-24).

4. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanton(US 5,680,452) in view of Nielsen(US 6,453,327).

Claims 9,11-13: Shanton disclose e-mail message for a specified recipient including a signature for an asserted source(col.8,line 8) and an asserted access level for the message in (col.2,lines 65-67; col.3,lines 1-13). Shanton disclose comparing the asserted access level with a required level for the recipient in (col.5,lines 20-24 and fig.3). Shanton disclose when asserted access level is at least as great as the required access level, permitting the message to be accessed by the recipient in (col.6,lines col.6,lines 21-37). Shanton does not specifically disclose authenticating the signature. Nielsen patent disclose e-mail filtering system to authenticate digital signature in the message in (col.13,lines 51-58). It would have been obvious to person of ordinary skill in the art at the time invention was made to authenticate digital signature in the message taught in Nielsen with message system disclosed in Shanton in order to authenticate identity of the sender of a message or the signer of a document and possibly to ensure that the original content of the message that has been sent is unaltered. Further, digital signatures are easily transportable, cannot be imitated by someone else, and can be automatically time-stamped. It ensures that the original signed message arrived means that the sender cannot easily repudiate later.

Claim 10: Shanton does not specifically discloses declining to permit access by recipient to the message when signature is determined to be not authentic. Nielsen disclose declining to permit access by recipient to the message when signature is determined to be not authentic in (fig.11A and col.13,lines 56-58). It would have been obvious to person of ordinary skill in the art

at the time invention was made to prohibit message access if signature determined to be not authentic taught in Nielsen with message system disclosed in Shanton because user can inadvertently open the file and if the file contains the virus, it can severely damage the system. Therefore prohibiting access to not authenticated data ensures that potentially infected data such as viruses will not be copied to other storage area or infect the whole system.

Claims 14,16-18: Shanton and Nielsen disclose a computer system is programmed to carry out following functions: Shanton disclose e-mail message for a specified recipient including a signature for an asserted source(col.8,line 8) and an asserted access level for the message in (col.2,lines 65-67; col.3,lines 1-13). Shanton disclose comparing the asserted access level with a required level for the recipient in (col.5,lines 20-24 and fig.3). Shanton disclose when asserted access level is at least as great as the required access level, permitting the message to be accessed by the recipient in (col.6,lines col.6,lines 21-37). Shanton does not specifically disclose authenticating the signature. Nielsen patent disclose e-mail filtering system to authenticate digital signature in the message in (col.13,lines 51-58). It would have been obvious to person of ordinary skill in the art at the time invention was made to authenticate digital signature in the message taught in Nielsen with message system disclosed in Shanton in order to authenticate identity of the sender of a message or the signer of a document and possibly to ensure that the original content of the message that has been sent is unaltered. Further, digital signatures are easily transportable, cannot be imitated by someone else, and can be automatically time-stamped. It ensures that the original signed message arrived means that the sender cannot easily repudiate later.

Claim 15: Shanton does not specifically disclose declining to permit access by recipient to the message when signature is determined to be not authentic. Nielsen disclose declining to permit access by recipient to the message when signature is determined to be not authentic in

Art Unit: 2131

(fig.11A and col.13,lines 56-58). It would have been obvious to person of ordinary skill in the art at the time invention was made to prohibit message access if signature determined to be not authentic taught in Nielsen with message system disclosed in Shanton because user can inadvertently open the file and if the file contains the virus, it can severely damage the system. Therefore prohibiting access to not authenticated data ensures that potentially infected data such as viruses will not be copied to other storage area or infect the whole system.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

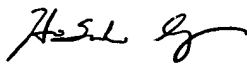
a. Bellare et al.(US 5,673,318) discloses cryptographic data authentication method.

b. Benson et al.(US 5,867,646) discloses message access rights for recipients.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00am – 4:00 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
HS

**Notice of References Cited**

Application/Control No.

09/639,385

Applicant(s)/Patent Under

Reexamination

KRUEGER, JONATHAN P.

Examiner

Hosuk Song

Art Unit

2131

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,680,452	10-1997	Shanton, M. Greg	713/167
	B	US-5,889,943	03-1999	Ji et al.	713/201
	C	US-6,453,327	09-2002	Nielsen, Jakob	715/500
	D	US-5,673,318	09-1997	Bellare et al.	713/170
	E	US-5,867,646	02-1999	Benson et al.	713/200
	F	US-5,926,624	07-1999	Katz et al.	709/217
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.